HON'BLE SRI JUSTICE GODA RAGHURAM

W.P.NO.17398 OF 2005

DATED: 29.9.2005

Between:

Bhavan's New Science College

… Petitioner

and

The Government of A.P., represented

by its Principal Secretary,

Higher Education (CE.II-2) Department,

Secretariat Buildings, Hyderabad and others.

… Respondents

HON'BLE SRI JUSTICE GODA RAGHURAM

W.P.NO.17398 OF 2005

ORDER:

The petitioner is the Bhavan's New Science College (Day) Teaching Staff

Association.

It appears that the New Science College, which was started some time in the year 1956, was having separate day and evening sessions. The College, which was started by one Nutan Vidya Samithi, was taken over by the Bharatiya Vidya Bhavan in 1981. Ever since, the Bharatiya Vidya Bhavan had been managing the New Science College. Eventually, the College could not cope with the contemporaneous academic pressures and both the day and evening sessions were not viable. In the circumstances, the Management of the College wrote to the appropriate authorities including the State Government, after an internal assessment of the financial, administrative, and other areas, seeking merger of the Evening College with the Day College. Responding this administrative choice of the Management of the New Science College, the State Government issued G.O.Rt.No. 461, Higher Education (CE.II-2) Department, dated 15.7.2002, according permission for merger of the Day and Evening Colleges subject to certain conditions including that there shall be no financial commitment to the State Government, either *in presenti* or in future and if any posts (Teaching and Non-teaching) become surplus consequent on the merger, the said posts along with the persons shall be adjusted in other needy colleges in Zone-VII.

The petitioner-association states to have submitted representations to the 1st respondent for revocation of the orders in G.O.Rt.No.461 dated 15.7.2002. By a memo dated 3.8.2004, it is contended by the petitioner-association, the Government directed the 2nd respondent-Commissioner of Collegiate Education, to submit its views on the petitioner's representation and furnish a report. This was reiterated by a further memo dated 30.11.2004, and another on 14.12.2004, and yet another on 7.7.2005. It is also averred that, though the 2nd respondent had submitted his remarks on the representations of the petitioner, the 1st respondent had not passed any orders on the representations against the implementation and operationalisation

of G.O.Rt.No.461. In the circumstances, this writ petition is filed for a direction to the 1st respondent to pass orders on the representations of the petitioner, seeking revocation of the orders in G.O.Rt.No.461, and for a further direction to the respondents to fill up the post of the Principal of Day College only from the members of the petitioner-association.

The second relief sought by the petitioner-association is extravagant. Already, there has been a merger of Day and Evening Colleges and, therefore, a direction to the respondents to fill up the post of the Principal only from the members of the petitioner-association, appears unsustainable. Regarding the earlier relief namely; a direction to the 1st respondent to dispose of the representations, it is neither pleaded, urged, or demonstrated before this court, that there is any statutory obligation for the 1st respondent to consider all and sundry representations. In the plenitude of its administrative choices, the State may consider it desirable to hear a representation from public, before passing particular orders or taking particular administrative decisions. But, that is only a choice of the Executive Government. The Government cannot be compelled to consider representations, unless a duty to hear a particular person or group of citizens is a duty that is explicit from a statutory obligation or a compelling implication from a statutory environment. No such explicit or implicit obligation of the State is demonstrated before this court. It is not as though the petitioner is without a remedy. If the petitioner is aggrieved by the orders of the Government in G.O.Rt.No. 461, and if it has a *locus standi* to assail the same before an appropriate forum, the petitioner is at liberty to do so. But, it has no right to compel the State Government to dispose of a representation that the petitioner has chosen to make, without showing a statutory or any other legal obligation of the State Government to respond to every representation.

On the above analysis, there are no merits in the writ petition. The writ petition is dismissed. No order as to costs.

GODA RAGHURAM, J

Date: 29.9.2005

Note:

CC in three days.

BO

CVM